



MICHIGAN ASSOCIATION OF BROADCASTERS

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Electronic Public Notices in Other States:

Legislation and Practice

OREGON - Web Site That Hosts Sheriff's Notices Is Live. Sales' Legal Notices No Longer Must Be Published in Newspaper

Submitted by FreePublic on 27 June 2012 - 6:35am

In Oregon, starting last Friday, judgment creditors now have the option of advertising their Sheriff's Sales on line for free. By the looks of things on the site, lots of creditors are taking advantage of this option. The bill passed the Oregon State House and Senate last year. The most important piece here reads:

(6) In lieu of publication in a newspaper under subsection (5) of this section, a sheriff shall publish a notice of sale of real property by Internet posting if a website has been established under ORS 18.926 for the purpose of giving legal notices under ORS 18.860 to 18.993, and the judgment creditor has requested that notice be published by Internet posting in the instructions provided to the sheriff under ORS 18.875. Subject to ORS 18.926 (3), the notice must be posted on the Internet not less than 28 days before the date identified in the notice of sale and remain posted until that date.

Here is yet another example of the market helping to drive down government spending. The chairman of the Oregon State Sheriff's Association has nothing against newspapers. In an article on StatesmanJournal.com , she mentioned that the problem was that sheriff's sales weren't generating much revenue when the notices ran in the newspaper. Sounds a lot like what advertisers said as they moved their classified ads out of the newspaper and on to Craig's List.

We are seeing an increase lately of different jurisdictions (mostly small municipalities but occasionally states and organizations) moving public notices on line.

Do you think Warren Buffett as he continues to buy print newspapers, is reading this?

While the savings are huge, this initiative would be more of a success if third party news organizations had the right to publish these notices. They would do a better job of driving traffic to their sites.

CALIFORNIA- Both Houses Vote for Bill to Move CALTRANS Notices On Line Out of Print Saving \$700K

Submitted by FreePublic on 22 June 2012 - 3:20pm

This week, both California State Legislatures overwhelmingly passed Bill AB1465 which would allow the California Department of Transportation to publish their legal notices on their own web site. Specifically, the bill states:

"4) Existing law requires public notice of a project under the State Contract Act to be given by publication in a newspaper or trade paper of general circulation, as specified.

This bill would authorize the Department of Transportation to alternatively meet the public notice requirement through electronic publication on the department's Internet Web site."

- Caltrans Assistant Director Tamie McGowen was quoted as saying that the bill would save taxpayers \$700,000.
- The bill passed the Senate 25-14 on June 15 and passed the House 51-27 on the same day. The bill is awaiting signature by Governor Brown.
- The bill contains necessary statutory changes in the area of transportation to implement changes to the Budget Act of 2011 to achieve almost \$1 billion in savings.

One issue that could be improved is that this bill allows the government to be the publisher of these notices. The California Newspaper Association correctly argued that a third party should publish the notices. We agree as long as almost all of the estimated \$700,000 now being charged by newspapers can be saved.

DELAWARE - State Senate Votes that Legal Notices For Bids Will be Published On Web Site. Why Use Newspapers?

Submitted by FreePublic on 17 June 2012 - 10:43pm

In Delaware, the State Senate voted unanimously (20-0) last week to for Senate Bill 212 which establishes a state run website to post bid notices, reported WGMD.COM . The bill requires that Delaware:

Institute an electronic procurement advertising system on which all state agencies must submit public notice of contracts subject to the public advertising requirements of Chapter 69. The electronic procurement advertising system will have a designated single point of entry on the State of Delaware website for the purpose of convenient and universal access by all state agencies and all interested members of the public. The single point of entry on the State website shall be operational by January 1, 2013.

The bill's synopsis states what we've been stating for some time: The internet has grown rapidly as an acceptable means of communication and transacting commerce. This Act will use the internet as a means to modernize the notice requirements for procurement bids, agency meetings, and public hearings. This Act will provide more convenient and universal access to legal notices for all interested parties and will do so in a cost-effective manner.

The bill has been introduced into the House and assigned to the House Administration Committee. Now, once this is passed, they can save the state millions of taxpayer dollars by removing the requirement to post notices in the back of printed newspapers that are often overlooked.

DENVER -Almost \$1 million per year spent on "Unseen" Foreclosure Notices In Print

Submitted by FreePublic on 5 June 2012 - 6:41am

As we've noted, one rarely sees a print-based newspaper writing negatively about the practice of publishing legal notices. Legal Notices (Foreclosures, LLC formations, Bid Openings, Zoning Hearings, Meetings) are the last revenue stream where newspapers still can charge monopolistic pricing and get away with it. Unfortunately the high prices for legal notices are being paid for by the taxpayers, or newly formed businesses, or those foreclosed on, constituencies that can least afford it. So newspapers mostly editorialize about the obligation we have as an open government to continue to subsidize their publications by overpaying for legal notices in print. If newspapers uncover any government overspending, they are quite vigilant about pointing it out. Publicizing the overspending on public notices though has been off limits.

Thus, it is refreshing to read David Migoya's piece in the Denver Post which exposes how confusing the system of choosing a newspaper and publishing a foreclosure notice is in Denver. The Post has taken in over \$200K in the past 2 and a half years from foreclosure notices yet they still point out the complications of the process. It's nice to see some objective journalism on this subject.

Migoya did miss the opportunity to suggest a solution: on-line publication of foreclosure notices.

Analyst Report "Should Scare The Hell Out of Print Media" Shows that Public Notices Should Follow Eyeballs.

Submitted by FreePublic on 1 June 2012 - 4:52am

Mary Meeker's exhaustive report about on line usage shows that the amount of time spent on line is more than 3 times than what is spent in print. Jeff Sonderman in his post on the journalism site Poynter.org referred to the specific chart as "The one chart that should scare the hell out of print media."

Meeker (a partner at Kleiner, Perkins, Caufield & Byers) explains that advertising dollars have not followed usage (from print to on-line and from desktop to mobile) but will catch up soon. We agree. Focusing on legal and public notices. at present, notice ad dollars are 100% in print, yet people are 3 times more likely to access information on line.

FLORIDA- HB 937 One Small Step to Save Taxpayer \$... One giant step in philosophy on Moving ALL Legal Notices on Line.

Submitted by FreePublic on 7 May 2012 - 7:21am

One Small Step to Save Taxpayer \$... One giant step in philosophy on Moving ALL Legal Notices on Line On May 4, Florida House Bill 937 on Legal Notices was signed on May 4th by Florida Governor Rick Scott.

The bill requires that:

- After specified date, if legal notice is published in newspaper, newspaper shall also place notice on website at no additional charge;
- There is free online access for notices;
- Legal notices published in newspapers also be published on specified statewide website;
- After specified date, newspapers that publish legal notice must provide e-mail notification of new notices;
- Authorizes electronic proof of publication affidavits;
- Limits rate that may be charged for certain government notices required to be published more than once;
- Requires that website publication of certain legal notices include maps that appear in newspaper advertisements;
- Deletes requirements that certain notices be published in Leon County;
- That notice to certain professional licensees be posted on website & provided to certain news outlets;
- Deletes requirements relating to newspaper publication of certain notices relating to marketing orders & provides for Internet publication & for information to certain news outlets.

For those of us concerned about saving the state and local governments much needed expenses, this bill falls way short of having any real financial impact.

House Bill 937 is a starting point from which other bills can find where money is being wasted on notices in print. The state can then use this bill as a blueprint from which notices like foreclosures and bid requests which account for tens of millions of wasted dollars, can be required to be moved on line.

Want To Pass An On Line Legal Notice Bill? Here Is An Education

Submitted by FreePublic on 8 April 2012 - 11:02pm

Maryland's On Line Notice Bill Hurt By Not Providing An Independent Publisher of Notices

Maryland House Bill 1355 authorizing a county or municipality to satisfy a requirement to publish legal notices in a newspaper of general circulation by posting the notices on its website, received an "Unfavorable Report" from The Committee on Environmental Matters. Why? View the video of the hearing from minute 42. Most importantly view the last 5 minutes and see how a committee member ripped to shreds the sponsor Delegate Doyle Niemann .

It wasn't Delegate Niemann's fault, although he might learn from those who have preceded him. Virtually every bill that has come before every committee in every state has made the same mistake. The bills that they promote don't take into consideration that people don't trust the government to post their own notices. If the bills mandated that a third party should host the site and be responsible for it, it would take away the "independence issue" which has stymied most bills. So Maryland continues to waste \$2.4 million on publishing notices in print. That might be changing as Hawaii seems poised to pass a bill that would fund the government's posting of legal notices saving the state over \$1 million.

Texas State Representative Stickland Takes On Newspaper Lobby By Proposing Online Legal Notice Bill

Submitted by FreePublic on 14 February 2013 - 12:36am

Maybe it is good to have legislators who are not immediately running again for office as soon as they win.

Texas State Representative Jonathan Stickland was elected as the State Representative from District 92 in November with over 80% of the vote. With such a wide margin of victory one might assume that he is not terribly worried about being reelected. One of the first pieces of legislation that Stickland has proposed is House Bill 335 which would allow local governments to publish legal notices on their own web sites. Regular readers of this blog understand our stand on this type of legislation ... nice idea but poor execution. Newspaper lobbyists will raise the issue of independence. Correctly, they will say there needs to be an independent third party to publish notices. Luckily, there is still time for the bill could be altered to make sense for everyone. Texas has probably the largest number of independent online publications of any state. Let the online publishers compete with the print publications and there will be a bill worth passing.

Virginia House Bill 1378 Proposes to Move Public Notices to Government Site. When Will They Ever Learn?

Submitted by FreePublic on 23 January 2013 - 12:45pm

It seems that our elected officials are as oblivious to their surroundings as they are persistent. In the past 18 months, over 20 bills proposed in various states moving public notices to government web sites have failed to pass. The newspapers' valid argument in opposing these bills has been that the independence, required when a non-partisan third party (like a newspaper) commissioned to publish notices, is absent when the government controls the message and the delivery of that message. One would think that Mark Cole, the delegate from Virginia's 88th district, while proposing to use the internet for public notices, might have learned from that medium (and our blog) that those bills do not pass and perhaps would try a different strategy, say, letting online news organizations that devote a certain amount of space to local news, compete with printed newspapers to offer local governments substantial cost savings.

Alas, below is yet another attempt doomed to fail, not for lack of trying (last year 7 bills failed in Va. attempting to change the antiquated public notice laws) but for lack of inventiveness. The bill has been referred to the Committee on Counties and Towns where hopefully it won't die.

JACKPOT! - Las Vegas Review-Journal Hits It Big with \$580,000 Legal Notice ... maybe no longer.

Submitted by FreePublic on 12 January 2013 - 1:29am

Clark County, Nevada, by state law, must publish in print 1 legal notice called the property assessment roll. Weighing over 4 pounds according to the Las Vegas Sun , this one legal notice lists the value of each property in the County. The tax assessor according to the Sun says that it is so "property owners can compare their properties to other similar properties." Sounds a lot like Zillow orPropertyvalueus.org or Realestate.com which provide the same services for free. Yet the Las Vegas Review-Journal gets to charge the county \$580,000.

If this sounds to you like a big boondoggle and a waste of taxpayer money, you are not alone. Nevada State Assemblyman Paul Aizley, according to theSun thinks that \$580,000 could be put to better use. The Property Assessment Roll is online all year and costs the county virtually nothing. For one day in the newspaper, the cost is \$580,000. Aizley intends to propose a bill that would exempt large counties from having to publish the assessment roll in print. It seems reasonable but similar bills have failed in the past.

The Nevada Press Association impresses on us that there should be an independent entity publishing these notices. We couldn't agree more. That is why we love the fact that online only publications like TheBatavian.com and the RiverheadLocal are publishing legal notices for free until the law changes and online publications can compete on an even playing field with print publications. All one needs is a smart phone to receive those notices. Given that about \$1 billion is being wasted on public notices nationwide and local governments are strapped for cash, it seems like a worthy endeavor.

OHIO-Newspapers Could Lose Abandoned Property Legal Notices in Ohio, New Bill Proposes.

Submitted by FreePublic on 11 December 2012 - 8:46am

An obsolete statewide Ohio law mandating legal notices in print might change with a new bill which would allow storage facilities to advertise the sale of abandoned property online.

What is newsworthy about this item is how the newspaper lobby, once so strong, has, by action, conceded their weak bargaining position. Here's how:

1.) According to the Cleveland Plain Dealer while they oppose the law, newspapers have already conceded that maybe instead of publishing twice in print, maybe the government could ask the self-storage facilities to publish them once in print. This is substantial change from the hard line that newspapers' lobbyists have taken opposing previous bills.

2.) The law allows those running the ads to avoid paying the high newspaper prices "if at least three independent bidders attend the sale at the time and place advertised." Here is a loophole the storage facility owners could drive their trucks through and in the old days of activist lobbying by the Ohio Newspaper Association, would have been attacked

Comically the Cleveland Plain Dealer editorialized last week that the marketplace is more efficient when notices are published in print. We're not sure all of the people selling items on Craig's List would agree. Looking at the size of the classified sections of the local newspapers, it appears that the market has spoken, and if this law passes, it also appears that the governments are now catching up.

MARYLAND-Voters in Harford County Vote Overwhelmingly To Move Legal Notices Out of Newspapers

Submitted by FreePublic on 18 November 2012 - 9:07pm

Saving Money On Public Notices Is An Objective that both Democrats and Republicans Can Agree On.

The real election action (in the world of legal notices) was a huge landslide victory in Harford County, Maryland. The County was tired of overpaying for public notices in print. Charter Amendment F changes the requirement of posting of public notices from two newspapers to one and includes posting the 2nd notice on an official website.

The Amendment passed by the largest margin of any of the charter amendments on the ballot.

Almost 84% of those voting, voted for the amendment. (See Below)

One would think that such a large county (over 250,000) to vote through such a referendum might be a progressive urban hotbed of technology? Far from it, mostly rural and suburban, Harford County, is solidly conservative (over 58% voted for Romney) . It appears that saving Money on Public Notices Is an objective that both Democrats and Republicans can agree on.

The outcome is encouraging for other counties and local governments looking to save taxpayer money, not just because notices were pulled out of print but because this amendment provides the first real blueprint of saving money while keeping an independent third party involved in the posting of notices. Next year, when legal notices start moving out of print on the state level, the solution of having one web site government run and one web site run by an independent local online news organization will provide local governments and their citizens, the independence that is needed and will save close to \$1 billion nationwide.

MARYLAND - Voters to Decide to Move Public Notices from Print to Online in November.

Submitted by FreePublic on 29 September 2012 - 12:09am

On November 6, Harford County, Maryland will be voting on a charter amendment that will reduce the requirement to publish notices in print while saving the county money. At present, public notices need

to be published in two newspapers. Question F on the ballot will allow the county to publish notices in only one newspaper and on one "official site."

Regular readers of this blog remember last year when the town of Lafayette, CO overwhelmingly voted to shorten notices in print and publish them in full, online. Public referenda to save money and move notices out of print to online have almost always passed by a large margin. While bills to change these statutes that have to weather lobbying from the print media, often fail.

Understandably, the voters seem to be more careful in spending their own money than the politicians who try to court favor with the print media. As the online media's influence grows, that should change.

Legal Notice Battle Crosses The Pond. Think Tank Offers Alternatives to Printed Notices. \$100 Million In Play

Submitted by FreePublic on 17 September 2012 - 4:07am

The Local Government Information Unit (LGIU) a London-based think tank and membership organization, believes that there is a better way to distribute statutory notices then spending the estimated \$100 million presently spent in print newspapers.

In their article entitled Reforming Statutory Notices , LGIU identifies the new characteristics of the media landscape as:

- Readership of local newspapers is declining.
- The number of hyperlocal sites has been increasing and even government officials understand their emerging influence
- Web technology allows for cost effective distribution of statutory notices.

In part I of their exhaustive report entitled Public Notices, The Case for Radical Reform, LGIU believes given the extraordinary cost to publish in print, councils (the UK equivalent of US counties) should be free to decide where is the best place to publish public notices, adding that hyperlocal news sites offer a better value.

On top of that HU12, a hyperlocal web site, suggested in an editorial that hyperlocal web sites are the logical place to place these notices as well. It appears that HU12 has some skin in the game.

Up until the last year or so, the printed press has dictated the direction of this discourse. It is encouraging to hear that the hyperlocal online sites are organizing to level the playing field. This past weekend, a rapidly growing group of independent online news publishers congregated in Chicago.

INDIANA- Department of Environmental Management Stops Publishing Notices in Newspapers. Others to Follow

Submitted by FreePublic on 10 September 2012 - 1:54am

Indiana's Department of Environmental Management (IDEM) has decided to stop publishing their notices of hearings in newspapers, reports therepublic.com of Columbus Indiana. The hearings addressed normally involve air quality regulations. The Republic quoted Amy Hartstock, the Department's spokesman that the move was made for cost (\$7500) and for speed to market. The printed newspapers require a much longer lead time to publish a notice whereas notices on line can be posted immediately. Both cost, and time to market have compelled many departments and municipalities to lobby for publishing their own notices.

Hartstock mentioned in the article that Maryland has already made the move out of print publications and other state environmental departments are looking to do so.

If there existed an on line only news source in the state that charged a fraction of the cost, we hope that IDEM might consider using them? The independence of a third party publishing public notices has value.

CALIFORNIA - Legislation Allowing On Line Legal Notices Approved By Governor

Submitted by FreePublic on 29 June 2012 - 8:53am

California Governor Jerry Brown, approved, on June 27, Bill AB1465 which would allow the California Department of Transportation to publish their legal notices on their own web site, according to California's legislation monitor . Specifically, the bill states:

"4) Existing law requires public notice of a project under the State Contract Act to be given by publication in a newspaper or trade paper of general circulation, as specified.

This bill would authorize the Department of Transportation to alternatively meet the public notice requirement through electronic publication on the department's Internet Web site."

Caltrans Assistant Director Tamie McGowen was quoted as saying that the bill would save taxpayers \$700,000.

The bill contains necessary statutory changes in the area of transportation to implement changes to the Budget Act of 2011 to achieve almost \$1 billion in savings.

This is a ground-breaking bill which should open up legislation elsewhere for legal notices on line. This is one of the first state-wide bills anywhere to legitimize on line legal notices. County Clerks and the many Leagues of Cities and Counties nationwide should be encouraged that the newspaper lobby was not able to derail this responsible use of taxpayer money.